THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5254 of 2006

DATED: 17-03-2006

Between:

K. Sharada …Petitioner

and

The Mandal Revenue officer,

Chittoor, Chittoor District and another … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5254 of 2006

ORDER:

Petitioner filed the present writ petition seeking to declare the action of the 1st respondent without issuing any notice contemplated under A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 either to the petitioner or to her vendor and assigning the petitioner's house site to the third parties amounts to erroneous and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

It is the case of the petitioner that originally, the lay out No.330/2 was assigned in favour of the vendor of the petitioner Smt. Kuppamall by the then Tahsildar. On 27-08-1997 petitioner has purchased an extent of Ac.0.05 cents equivalent to 244 4/9

square yards situated at Gandlapally Revenue village, Kongareddypally, Chittoor Town from her vendor Smt. Kuppamall for valid consideration and since then she is in peaceful possession and enjoyment of the same. Even according to the petitioner, the said purchase and transfer of the land is in contravention of sub-sections 1 and 2 of Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977(for short 'the Act') as the said land is an assigned land.

If that being so, I am of the opinion that it is always open to the first respondent to take appropriate action against the petitioner or her vendor as per sub-sections 1 and 2 of Section 3 of the Act, by issuing notices and by following the procedure prescribed under law. But, the respondent cannot dispossess the petitioner without following due process of law.

Having regard to the facts and circumstances of the case, writ petition is disposed of directing the respondents not to dispossess the petitioner without following due procedure prescribed under law. No order as to costs.

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V. ESWARAIAH, J.

Dated: 17-03-2006

Note:

Issue C.C.within two days.

(B/O)

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